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**APPROVED BY COUNCIL
MAY 17, 2017**

FINAL ACTION AGENDA/MINUTES

**Hampton Inn & Suites, Arena Room
10611 Chevrolet Way
Estero, FL 33928
Village Council Organizational Business Meeting
April 24, 2017
8:30 a.m.**

1. CALL TO ORDER AND ROLL CALL:

Mayor Boesch called the meeting to order at 9:00 a.m.

Roll Call: Present: Mayor Jim Boesch - District 5, Vice Mayor Bill Ribble, District 1, Councilmember Howard Levitan - District 2, Councilmember Katy Errington - District 4, Councilmember Nick Batos - District 6, and Councilmember Jim Wilson - District 7.
Absent: Councilmember Donald Brown, District 3.

Also present: Village Manager Steve Sarkozy, Village Attorney Burt Saunders, and Village Clerk Kathy Hall.

Mayor Boesch led the Pledge of Allegiance and offered the invocation.

2. PUBLIC COMMENT ON NON-AGENDA ITEMS: None.

In light of the recent high fire hazard and local wildfires, Council briefly discussed the possibility of adopting a “no burn” policy. It was noted that Estero Fire Rescue was not issuing burn permits at the present time. The Village Manager was asked to contact the Fire Chief regarding coming to the next regular Council meeting.

3. COUNCIL RULES OF PROCEDURE:

Page 1, Purpose: Last sentence of paragraph 2 was removed.

Section 1 (d)2 - Last sentence revised to read: “A majority vote overrules the ruling of the Chair; however, a tie vote sustains the ruling of the Chair.”

Section 2 (i) - Revised to read: "If a vote of the Council is equally divided, the vote shall be considered to be in the negative and shall not pass."

Section 3 (d) - Second sentence added: "The Clerk shall reverse the roll call by district number for each alternate vote."

Section 4 (b)2 - First sentence, removed: "due to an excused absence."

Section 6 (f)2 - Added "by the Village Manager" at the end of the sentence.

Section 7 (b) - Revised second sentence to read: "The notice shall specify the subject of the special meeting."

Section 7 (e): Revised second sentence to read: "The notice shall specify the subject of the emergency meeting."

Section 10 (b) - Revised to read: "After the introduction of the petition by staff, the Petitioner's presentation shall occur first. Either the Council or the appropriate advisory board, before which the hearing is being heard, may impose reasonable time limits on the petitioner based on staff recommendation. For purposes of these rules, a petitioner's presentation may not exceed two hours without the affirmative consent of the Council or such land use board."

Section 10 (g) - Revised last sentence to read: "A representative of a party may respectfully ask questions of an adverse witness, which may be limited by the Chair."

Section 12 - Revised to read: "In order to prevent any misunderstanding or false impression based on the holding of an office on behalf of the Village, whenever any Councilmember, including the Mayor and Vice Mayor, shall speak to the news media or the public with respect to any matter that he or she is not designated by the Council as the spokesman for the Village, he or she shall preface any remarks with the statement that he or she does not speak for the Village with respect thereto, and that any comments are his or her own in his capacity as a Member of the Council."

4. ROLE OF MAYOR:

Section 13 - Discussion regarding Council rotation of the Mayor.

Section 13 (e) - New wording will be submitted by Councilmember Levitan.

Section 14 - Conduct of Meetings:

Section 14 (a)14 - Revised second sentence to read: "The Chair shall encourage a free exchange of ideas."

Section 14 (b)4 - Revised to read: "Not interrupt a speaker who has the floor without consent, except as provided in Roberts Rules of Order."

Section 14 (b)11 - Revised second sentence to read: "While questions and clarification will occur, many questions can be answered by studying the agenda packet, or with a phone call or visit to the Village staff prior to a meeting."

Section 14 (c)2e - Wording to be added from the Code of Conduct.

Discussion ensued regarding liaison as the spokesperson for the Village as to specific issues the liaison is appointed or assigned to.

5. COUNCIL APPOINTMENTS:

Section 17 - Liaisons:

Revised third paragraph to read: "On May 1 of each year, all liaison appointments shall be reviewed by the Village Council and each liaison position shall be filled by the Village Council for the next year, with each liaison appointment being until May 1, or until a successor is chosen, whichever is later. The liaison shall serve at the pleasure of the Village Council."

The meeting went into recess at 10:34 a.m. and reconvened at 10:40 a.m.

Discussion ensued regarding the May 1 date for liaison appointment review.

It was agreed that Councilmember Levitan would meet with Village Attorney Saunders and Village Manager Sarkozy in order to review the last paragraph of Section 17 as well as the Code of Conduct for Elected Officials.

Brief discussion followed related to "body language" at Council meetings.

Discussion followed regarding whether the Village Manager should be named as the official spokesperson of the Village. It was noted that the original draft of the Council Rules of Procedure included the concept that if there wasn't a spokesperson or liaison appointed on a particular issue, it defaulted to the Village Manager to be the spokesperson. Mayor Boesch said that, in fairness to the Village Manager, liaisons would ease some of the burden on the Village Manager.

Village Manager Sarkozy reiterated that authorization was given for Councilmember Levitan, Village Attorney Saunders, and himself to go through pages 21 through 30 and bring the document back to Council for final adoption. One additional item to bring back was rotation of Mayor; language would be drafted and distributed to the Council in order for Councilmembers to discuss with the Village Manager during briefings.

The Liaison Assignments to Outside Organizations and Areas of Strategic Concern were addressed. Councilmember Batos brought up the issue of zip codes. Councilmember Wilson addressed the Eastern Corkscrew Alliance, which was determined to not be added to the list. Councilmember Errington questioned whether Conservancy of Southwest Florida should remain on the list and asked that "Historic District" be changed to "Historic Area." She also inquired regarding adding landscaping, Lee Health, and NCH. Councilmember Batos corrected "Sunset Trails" to "SUN Trails." Councilmember Levitan spoke to concern regarding appointing a liaison to an organization that in reality was a committee formed by an individual. Councilmember Wilson addressed concern regarding SW Florida Regional Planning Council and indicated that it was not in the best interest of the Village to assign a liaison to it. The list was revised by moving some of the entries under "organizations" to "areas of strategic concern", as well as eliminating

some entries; additional entries were made for median landscaping, Estero river issues, water issues, DR/GR, historic preservation, and parks and recreation. Following discussion of the lists, liaison assignments were completed.

Village Manager Sarkozy reported that Councilmember Brown submitted a letter of resignation. He outlined the process for Council action at the upcoming May 3, 2017 meeting to formally accept the resignation, which would start the 60-day clock to fill the position. He also spoke briefly regarding advertising the vacancy. Discussion ensued regarding questions to include with the application and the Charter requirements for filling a Council vacancy. It was suggested that each Councilmember provide the Village Manager with a list of questions.

Mayor Boesch spoke briefly regarding scheduling another organizational business meeting in approximately a month to address the vision statement and finalize the Council Rules of Procedure.

Public Comment:

Don Eslick, ECCL, suggested adding South Florida Water Management District and Lee County Port Authority to the list of outside organizations. He also spoke to the relationship between the Village and the ECCL.

Brief discussion ensued regarding the possibility of canceling the July 5, 2017 Council meeting, due to two Councilmembers being out of town. It was suggested that each Councilmember provide the Village Manager with their travel plans for the next 60 to 90 days.

6. PUBLIC COMMENT ON NON-AGENDA ITEMS: None.

A motion to adjourn was duly made and passed.

7. ADJOURNMENT: 12:40 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: James R. Boesch
James R. Boesch, Mayor